THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 25191 of 2006

Date: 20-12-2006.

Between :

P.Venkata Narayana.

.....Petitioner

And

The Registrar, Andhra University & others.

.....Respondents.

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 25191 of 2006

ORDER :

The petitioner, who is a student of Law in Andhra University, has filed this writ petition questioning Memorandum No.SI(4)/27535/ SMC/2006, dated 23rd October 2006, debarring him from writing Main/Supplementary theory examinations of III year LL.B. course, up to 2008.

It is the case of the petitioner that the impugned order is passed without conducting any enquiry and without even giving a fair show-cause notice and opportunity to the petitioner. Though a notice dated 13.06.2006 is issued to the petitioner on the alleged misconduct committed by him in the examination hall on

account of malpractice, but however, in that notice, there is no indication regarding the proposed punishment of debarring the petitioner up to the Main/Supplementary Examinations of 2008. In the notice dated 13.06.2006, it is alleged that the examiner had reported that the petitioner had attached additional sheets to the main answer book brought from outside. With reference to the said notice, the petitioner has offered an explanation dated 22nd June 2006, denying the allegation. It is the specific case of the petitioner that inspite of his denial, no finding is recorded with regard to the explanation offered by him, but however, the impugned order is passed preventing him from writing Main/Supplementary examinations up to 2008.

On the other hand, it is submitted by the learned Standing Counsel appearing for Andhra University Dr.P.B.Vijay Kumar that in view of the serious malpractice committed by the petitioner, the punishment is imposed on him as per the Regulations framed by the University.

In this case, the petitioner is in the final year of LL.B Course. Further, though the impugned notice is preceded

by a notice dated 13.06.2006, but however, there is no indication of the proposed punishment in that notice. In addition to the same, as the explanation offered by the petitioner to the notice dated 13.06.2006 is not considered while passing the impugned order, I deem it will be a fit case to remit the matter for fresh consideration by the competent authority.

Accordingly, the impugned Memorandum No.SI(4)/27535/ SMC/2006, dated 23rd October 2006, is set aside. The notices dated 13.06.2006 and 23.10.2006 shall be treated as show-cause notices issued to the petitioner and the petitioner shall file fresh explanation within a period of four weeks from today. On filing such explanation, respondents shall consider the same with reference to the explanation already filed by the petitioner on 22.06.2006 and pass appropriate orders taking into consideration the fact that the petitioner is in the final year of LL.B course and has already completed two years course.

Subject to the above directions, the writ petition is allowed. No order as to costs.

R. SUBHASH REDDY, J

20th December 2006

ajr